

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 268

Citations Affected: IC 3-5; IC 3-10; IC 3-11.

Synopsis: Voting systems. Requires the Indiana department of administration to award quantity purchase agreements to voting system vendors for use by counties to purchase, lease-purchase, or lease new voting systems or an upgrade or expansion of an existing voting system. Establishes the voting system improvement fund to reimburse counties for the purchase, lease-purchase, or lease of new, upgraded, or expanded voting systems. Provides that the fund consists of appropriations made by the general assembly, all federal money received by the state for voting systems improvement, and the proceeds of bonds issued by the Indiana bond bank for improvement of voting systems as authorized by law. Provides that a county may be reimbursed for 50% of the amount of expenditures made for a new, or an upgraded or expanded voting system. Provides that if a county lease-purchases or leases a new or an upgraded or expanded voting system, each year the county may be reimbursed 50% of its annual lease-purchase or lease costs. Provides that money received by the state from the federal government may also be used to reimburse counties for 50% of the cost of the purchase of new voting systems or the upgrade or expansion of existing voting systems after January 1, 1998 and before July 1, 2001 under certain circumstances. Establishes the voting system education fund to reimburse counties for development and implementation of programs for educating voters about voting procedures. Provides that a county may be paid up to 50% of the amount of reasonable development and implementation costs of the program. Provides that payments from the voting system improvement fund may not be made after January 1, 2006. Provides that after June 30, 2001, the Indiana election commission may not approve a punch card voting system for use in Indiana. Requires the Indiana election commission to prohibit the use of punch card voting systems in Indiana if the commission determines that the amount of money in the voting system improvement fund plus the amount of appropriations made to the fund is not less than \$5,000,000 on July 1, 2003. (This conference committee report does the following: (1) Deletes the absolute prohibition of punch card voting systems after December 31, 2004. (2) Adds the provision directing the Indiana election commission to prohibit the use of punch card voting systems if the commission determines that the amount of money in the voting system improvement fund plus the amount of appropriations made to the fund is not less than

\$5,000,000 on July 1, 2003. (3) Modifies the application approval process. (4) Restricts reimbursement to counties that purchased new, upgraded, or expanded voting systems purchased before July 1, 2001 to purchases made after January 1, 1998. (5) Adds the provisions for lease-purchase and leasing of voting systems. (6) Changes the deadline for payments from the voting system improvement fund from January 1, 2005 to January 1, 2006. (7) Makes technical changes.)

Effective: Upon passage; July 1, 2001.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 268 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, line 9, delete "IC 3-5-2-33.8" and insert "IC 3-5-2-33.9".
- 2 Page 1, line 11, delete "Sec. 33.8." and insert "**Sec. 33.9. (a)**".
- 3 Page 1, delete line 17, begin a new paragraph and insert:
- 4 "**(b) "Optical scan voting system" means a voting system using**
- 5 **optical scan ballots."**
- 6 Page 2, delete lines 1 through 3.
- 7 Page 2, line 10, delete "ballot" and insert "**voting**".
- 8 Page 2, line 34, delete "the purchase of".
- 9 Page 3, line 2, delete "certified" and insert "**approved**".
- 10 Page 3, between lines 4 and 5, begin a new paragraph and insert:
- 11 "**(d) The quantity purchase agreement must include options for**
- 12 **a county to:**
- 13 **(1) purchase;**
- 14 **(2) lease-purchase; or**
- 15 **(3) lease;**
- 16 **new voting systems or upgrades or expansion of existing voting**
- 17 **systems."**
- 18 Page 3, line 6, delete "the purchase of" and insert "**the:**
- 19 **(1) purchase;**
- 20 **(2) lease-purchase; or**
- 21 **(3) lease;**

1 of".

2 Page 3, delete lines 34 through 42, begin a new paragraph and insert:

3 **"(h) Money in the fund derived from appropriations made by the**
 4 **general assembly or that are the proceeds of bonds issued by the**
 5 **Indiana bond bank may be used only to reimburse counties for the:**

6 **(1) purchase;**

7 **(2) lease-purchase; or**

8 **(3) lease;**

9 **of new voting systems or upgrades or expansion of existing voting**
 10 **systems after June 30, 2001.**

11 **(i) Money in the fund derived from money received by the state**
 12 **from the federal government may be used for either of the**
 13 **following purposes:**

14 **(1) To reimburse counties for the:**

15 **(A) purchase;**

16 **(B) lease-purchase; or**

17 **(C) lease;**

18 **of new voting systems or upgrades or expansion of existing**
 19 **voting systems after June 30, 2001.**

20 **(2) To reimburse counties for the purchase of new voting**
 21 **systems or upgrades or expansion of existing voting systems**
 22 **after January 1, 1998, and before July 1, 2001."**

23 Page 4, delete lines 1 through 10.

24 Page 4, line 11, delete "for the purchase of a new" and insert **"under**
 25 **this chapter,"**.

26 Delete line 12.

27 Page 4, line 13, delete "system,".

28 Page 4, delete lines 16 through 26, begin a new paragraph and insert:

29 **"Sec. 4. The budget agency, after review by the budget**
 30 **committee, shall approve a county's application for reimbursement**
 31 **under this chapter if the county's application demonstrates to the**
 32 **budget agency either of the following:**

33 **(1) That the county will:**

34 **(A) purchase;**

35 **(B) lease-purchase; or**

36 **(C) lease;**

37 **a new voting system or an upgrade or expansion of an existing**
 38 **voting system from a vendor that has a quantity purchase**
 39 **agreement awarded under section 1 of this chapter.**

40 **(2) The county purchased a new voting system or an upgrade**
 41 **or expansion of the county's existing voting system after**
 42 **January 1, 1998, and before July 1, 2001, and the new voting**
 43 **system or upgrade or expansion of the county's existing voting**
 44 **system enhanced all of the following:**

45 **(A) Reliability of the county's voting system.**

46 **(B) Efficiency of the county's voting system.**

47 **(C) Ease of use of the county's voting system by voters.**

48 **(D) Public confidence in the county's voting system."**

49 Page 4, line 30, delete "amount required for the".

50 Page 4, line 31, after "purchase" insert **"price"**.

51 Page 4, line 32, after "system." insert **"If the county has entered**

1 into an agreement to lease-purchase or lease a new voting system
 2 or the upgrade or expansion of an existing voting system, each year
 3 the election division shall reimburse the county fifty percent (50%)
 4 of the county's lease-purchase or lease payments for that year."

5 Page 4, line 34, delete "." and insert "**and the requirements of this**
 6 **chapter.**".

7 Page 4, line 39, delete "2005" and insert "**2006**".

8 Page 6, line 6, delete "." and insert "**and the requirements of this**
 9 **chapter.**".

10 Page 6, delete lines 7 through 24.

11 Page 6, line 30, delete "ballot" and insert "**voting**".

12 Page 6, delete lines 31 through 32.

13 Page 9, between lines 19 and 20, begin a new paragraph and insert:

14 "SECTION 15. [EFFECTIVE JULY 1, 2001] **(a) The definitions in**
 15 **IC 3-5-2 apply throughout this SECTION.**

16 **(b) As used in this SECTION, "fund" refers to the voting system**
 17 **improvement fund established by IC 3-11-6.5-2, as added by this**
 18 **act.**

19 **(c) Not later than August 1, 2003, the commission shall determine**
 20 **the total of the following, as of July 1, 2003:**

21 **(1) The amount of appropriations made to the fund.**

22 **(2) The amount of money deposited in the fund.**

23 **(d) If the commission determines that the total of the amounts**
 24 **described in subsection (c) is not less than five million dollars**
 25 **(\$5,000,000), the commission shall prohibit the use of punch card**
 26 **voting systems in elections in Indiana, effective December 31, 2005.**

27 **(e) This SECTION expires July 1, 2006."**

28 Renumber all SECTIONS consecutively.

(Reference is to ESB 268 as reprinted April 6, 2001.)

Conference Committee Report
on
Engrossed Senate Bill 268

Signed by:

Senator Skillman
Chairperson

Representative Weinzapfel

Senator Breaux

Representative Richardson

Senate Conferees

House Conferees